

AMENDED IN ASSEMBLY APRIL 6, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2062

Introduced by Assembly Member Galgiani

February 18, 2010

~~An act to amend Section 290.022 of the Penal Code, relating to violent crime.~~ *An act to add Section 5023.1 to the Penal Code, relating to prisons.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2062, as amended, Galgiani. ~~Violent Crime Information Network.~~ *Prisons: healthcare: telemedicine.*

Existing law, the Telemedicine Development Act of 1996, regulates the practice of telemedicine, defined as the practice of health care delivery, diagnosis, consultation, treatment, transfer of medical data, and education using interactive audio, video, or data communications, by a health care practitioner, as defined. Existing law establishes that it is the intent of the Legislature that the Department of Corrections and Rehabilitation operate in the most cost-effective and efficient manner possible when purchasing health care services for inmates.

This bill would authorize the department to use “store and forward” telemedicine technology in state prisons, which would involve the transmission of a prisoner’s medical information to be reviewed at a later time by a physician at a distant site. The bill would require that a patient receiving telemedicine by “store and forward” be notified of the right to interactive communication with the distant physician.

This bill would authorize the department, where feasible, to utilize “store and forward” telemedicine for teleradiology, teleophthalmology,

teledermatology, and telepathology, as defined. The bill would authorize the department to expand the use of “store and forward” telemedicine.

~~Existing law requires the Attorney General to establish and maintain the Violent Crime Information Network (VCIN) to enable crime analysts with expertise in child abuse, missing persons, child abductions, and sexual assaults to electronically share their data, analysis, and findings with each other, and to assist law enforcement in apprehending violent offenders. Existing law further requires the Department of Justice to renovate the VCIN, on or before July 1, 2010, to correct specified deficiencies, improve system performance, and meet other goals.~~

~~This bill would make nonsubstantive changes to those provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 5023.1 is added to the Penal Code, to
2 read:

3 5023.1. (a) The Department of Corrections and Rehabilitation
4 may use “store and forward” telemedicine technology in state
5 prisons.

6 (b) For purposes of this section, “store and forward”
7 telemedicine means an asynchronous transmission of medical
8 information to be reviewed at a later time by a physician at a
9 distant site, where the physician or specialist at the distant site
10 reviews the medical information without the patient being present
11 in real time.

12 (c) A patient receiving telemedicine by “store and forward”
13 telemedicine technology shall be notified of the right to receive
14 interactive communication with the distant physician or specialist,
15 and shall receive interactive communication with the distant
16 physician or specialist, upon request.

17 (d) If the reviewing physician or specialist identifies a disease
18 or condition requiring consultation or referral, that consultation
19 or referral shall be with an appropriate physician or specialist,
20 as required.

21 (e) In order to maximize the benefits that come with the use of
22 telemedicine in the state’s prisons, the department, where feasible,
23 may utilize “store and forward” telemedicine for all of the
24 following:

1 (1) *Teleradiology of radiological patient images, such as X-rays,*
2 *CTs, and MRIs, from one location to another for the purposes of*
3 *interpretation or consultation, or both.*

4 (2) *Teleophthalmology for the examination, monitoring, and*
5 *treatment of eye-related problems.*

6 (3) *Teledermatology, whereby digital images are taken of skin*
7 *conditions, and sent to a dermatologist for diagnosis and to prevent*
8 *the spread of skin cancer.*

9 (4) *Telepathology, whereby images of pathology slides may be*
10 *sent from one location to another for diagnostic consultation.*

11 (f) *In order to maximize the benefits that come with the use of*
12 *“store and forward” telemedicine, the department may continue*
13 *to expand the use of “store and forward” telemedicine in the state’s*
14 *prisons.*

15 ~~SECTION 1. Section 290.022 of the Penal Code is amended~~
16 ~~to read:~~

17 ~~290.022. On or before July 1, 2010, the Department of Justice~~
18 ~~shall renovate the Violent Crime Information Network to do all~~
19 ~~of the following:~~

20 ~~(a) Correct all software deficiencies affecting data integrity and~~
21 ~~include designated data fields for all mandated sex offender data.~~

22 ~~(b) Consolidate and simplify program logic, thereby increasing~~
23 ~~system performance and reducing system maintenance costs.~~

24 ~~(c) Provide all necessary data storage, processing, and search~~
25 ~~capabilities.~~

26 ~~(d) Provide law enforcement agencies with full Internet access~~
27 ~~to all sex offender data and photos.~~

28 ~~(e) Incorporate a flexible design structure to readily meet future~~
29 ~~demands for enhanced system functionality, including public~~
30 ~~Internet access to sex offender information pursuant to Section~~
31 ~~290.46.~~